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Plan gives military sweeping powers in nuclear attack

This is the first of several articles detailing how the U.S. government would function in time of nuclear war or threat of nuclear war.

By Knut Royce
Hearst News Service

WASHINGTON — In 1979, a handful of senior Carter administration officials met several times in the Executive Office Building to draft a remarkable and very secret document. It was Presidential Directive 51, a blueprint designed by the Carter administration and generally assumed to still be in effect that authorizes sweeping, though temporary, military powers in the event of a national emergency.

It is so sweeping, in fact, that it is known to only a few dozen of the highest ranking federal officials in the United States. Present and former officials in the White House and Congress acknowledged existence of the directive, though they refused to discuss it publically. But it is understood to authorize the restructuring of the federal government for 90 days, with the military assuming virtual control of the civil government. This variation of martial law could be declared only by the president. It could be implemented before any nuclear attack.

Shrouded in secrecy and controversy, few will discuss the Presidential Directive publicly because it is highly classified. Further, it broaches areas that violate the national tradition of civilian rule.

Although the U.S. government imposed martial law in the occupation of Japan and Germany after the war, only once this century — after the Japanese bombing of Pearl Harbor — has it declared martial law on American territory. It was limited to the Hawaiian islands.

PD 51 was one of several presidential directives related to nuclear war offense and defense strategy that were developed during the Carter administration. While the other presidential directives dealing with nuclear strategy eventually surfaced in the press, PD 51 has remained secret.

"I think that you can appreciate that the subject is still quite sensitive and very highly classified," said former deputy assistant to the president for national security affairs David Aaron, "and I really don't feel comfortable discussing it."

Genesis of the directive

Initial interest for the directive came from the White House.

"It originally came over as a wish list," said one intelligence source. "President Carter took his responsibilities for managing the nuclear button extremely seriously," said Aaron, who was the top assistant to former National Security adviser Zbigniew Brzezinski.

"He personally participated in exercises and he began to ask himself questions, and to talk to his staff about what the hell would we do?"

The "wish list" led to more than a dozen meetings involving top national security officials, and the directive developed a momentum of its own. "The Brzezinski people said, 'Yes, let's do it,'" an intelligence source familiar with the meetings said. "And then, there was no way of stopping it. State tried. Intelligence tried. The Department of Defense never voted for it. The joint chiefs of staff never voted for it."

What constitutes an emergency

The intelligence sources said that the most contentious aspect of the order — one that prompted spirited debate by intelligence, National Security Council and military officials in the drafting process — was the lack of a clear definition of what constitutes a national emergency.

Would it be at the onset of a possible nuclear exchange, such as the Cuban missile crisis of 1962? Would it be after more imminent signs of attack? Or would it be after enemy launch?

"Most of the agitation came from the CIA," a senior official said. Along with State Department representatives, they were concerned with the language of the directive and its implications.

He said that there had been "a general tendency from the military" to keep the definition of an applicable emergency open ended. He said military representatives had argued, "Let's not hammer it down and put it in concrete at this point. Let's let it be open ended. It may work in this circumstance but it may have to work in that circumstance as well."

Yet, he added, "No one saw in that (the directive) anything more than a temporary imposition — that it would go away and due process would be restored."

He said that the officials who drafted the directive considered pre-attack preparations rather than the aftermath of a nuclear war.

John Macy, the former director of the Federal Emergency Management Agency, which would have a major role in such an emergency, said that while the order gives a "much stronger role" for

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